

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**JERSEY MIKE’S FRANCHISE  
SYSTEMS, INC.**

**Plaintiff,**

**v.**

**AMERICAN ARBITRATION  
ASSOCIATION, INC., OPHELIA  
AUGUSTINE, CECELIA LAHR, and  
ALEXANDER LUCE,**

**Defendants.**

Civil Action No. 3:23-cv-03444-GC-TJB

**DECLARATION OF JOSHUA SWIGART IN RESPONSE TO PLAINTIFF’S  
MOTION FOR FEES AND COSTS PURSUANT TO FED. R. CIV. P. 4(D)(2)**

I, **Joshua Swigart, Esq.** hereby declare under penalty of perjury under the laws of the United States the following:

1. I am a partner at the law firm Swigart Law Group, APC in California. I am licensed to practice law in California, Washington State, Washington D.C., Michigan, and Wisconsin. There is currently a motion pending to allow me to appear *pro hac vice* in this matter.

2. My firm, along with the Law Office of Daniel Shay (“Shay”), represent Defendants Ophelia Augustine, Cecelia Lahr, and Alexander Luce as claimants against Jersey Mike’s Franchise Systems, Inc. (“Plaintiff”) in arbitration proceedings Defendants filed at the American Arbitration Association.

3. I am familiar with this case and Plaintiff’s Motion for Fees and Costs and I declare that; instead of reaching out directly to Mes. Augustine and Lahr to request a waiver of service, Plaintiff’s counsel reached out to me and Mr. Shay, who were not authorized to

waive or accept service on behalf of Mses. Augustine and Lahr.

4. Mses. Augustine and Lahr never appointed or authorized me, Mr. Shay, or another attorney, or person to receive, accept or waive service on their behalf.

I declare under the penalty of perjury, pursuant to the laws of the United States, that the foregoing is true and correct.

Dated: October 2, 2023 at San Diego, California

BY: /s/ Joshua B. Swigart  
Joshua Swigart  
2221 Camino Del Rio S, Ste 308  
San Diego, CA 92108